



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 529**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H529-ARI-21 [v.3]

Page 1 of 2

Amends Title [YES]
First Edition

Date _____, 2019

Senator Newton

1 moves to amend the bill on page 1, line 6, by rewriting the line to read:

2
3 "RATE CASE PROCEEDING; REQUIRING THE COMMISSION FOR PUBLIC HEALTH
4 TO ADOPT RULES CONCERNING THE CONSTRUCTION AND OPERATION OF
5 ARTIFICIAL SWIMMING LAGOONS; AND REQUIRING THE COMMISSION FOR
6 PUBLIC HEALTH TO STUDY THE REQUIREMENT FOR A PERMANENTLY
7 AFFIXED PHONE AT POOLS FOR EMERGENCY PURPOSES.";

8
9 and on page 1, line 20, by rewriting the line to read:

10
11 "SECTION 2.(a) G.S. 130A-280 reads as rewritten:
12 "§ 130A-280. Scope.

13 This Article provides for the regulation of public swimming pools in the State as they may
14 affect the public health and safety. As used in this Article, the term "public swimming pool"
15 means any structure, chamber, or tank containing an artificial body of water used by the public
16 for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances,
17 and equipment used in connection with the body of water, regardless of whether a fee is charged
18 for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic
19 club, or other membership facility pools and ~~spas~~ spas, and artificial swimming lagoons. As used
20 in this Article, an "artificial swimming lagoon" mean any body of water used for recreational
21 purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of
22 disinfectant that results in a disinfectant residual in the swimming zone that is protective of the
23 public health. This Article does not apply to a private pool serving a single family dwelling and
24 used only by the residents of the dwelling and their guests. This Article also does not apply to
25 therapeutic pools used in physical therapy programs operated by medical facilities licensed by
26 the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained,
27 cleaned, and refilled after each individual use."

28 SECTION 2.(b) No later than December 1, 2019, the Commission for Public Health
29 shall adopt rules governing the construction and operation of artificial swimming lagoons, as
30 defined in G.S. 130A-280, as enacted by Section 2.(a) of this act, pursuant to Part 10 of Article
31 8 of Chapter 130A of the General Statutes.



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1 **SECTION 3.** The Commission for Public Health shall study the requirements of 15A
2 NCAC 18A .2530(f), which requires that all swimming pools have a telephone capable of directly
3 dialing 911 or other emergency notification system, which telephone is permanently affixed to a
4 location inside or within 75 feet of the pool enclosure and is accessible to all pool users. The
5 Commission shall examine the need for a dedicated permanently affixed phone in light of
6 widespread cellular telephone availability, and, at a minimum, the Commission shall examine
7 the need for and advisability of requiring closure of pools where a dedicated permanently affixed
8 telephone is temporarily out-of-service due to technical issues. The Commission shall submit a
9 report of the study's findings and recommendations to the Joint Legislative Oversight Committee
10 on Health and Human Services no later than March 1, 2020.

11 **SECTION 4.** This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____